IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

OP.No. 4756 of 2003(N)

PETITIONER:
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1. NASAR, S/O.MAITHEENKUNJU,
AGED 38 YEARS, VELIYIL VADAKKATHIL
PADA NORTH, KARUNAGAPPALLY, KOLLLAM
DISTRICT.

2. NAJEER, S/O.ABDUL HAMEED,
AGED 39 YEARS, KETTIDATHIL,
PADA NORTH, KARUNAGAPPALLY,
KOLLAM DISTRICT.

BY ADV. SRI.K.ABDUL JAWAD

RESPONDENTS:
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1. SUB REGISTRAR, SUB REGISTRAR'S OFFICE,
KARUNAGAPPALLY.

2. DISTRICT COLLECTOR (DISTRICT REGISTRAR)
COLLECTORATE, KOLLAM.

3. TAHASILDAR,
CIVIL STATION, KARUNAGAPPALLY.

4. STATE OF KERALA, REPRESENTED BY
PRINCIPAL SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SMT. SMITHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/03/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 8456 OF 2003 IN OP 4756 OF 2003

DISMISSED

14.3.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER SHOWING THE PAYMENT DATED 18.1.2003

EXT.P2(a) TRUE COPY OF THE RECEIPT EVIDENCING THE PAYMENT DATED 26.4.2002

EXT.P2(b) TRUE COPY OF THE RECEIPT EVIDENCING THE PAYMENT DATED 12.12.2002

EXT.P3 TRUE COPY OF THE NOTIFICATION DATED 13.8.2002

EXT.P4 TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DATED 25.10.2002

EXT.P5 TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DATED 31.1.2003

EXT.P6 TRUE COPY OF THE NOTICE ISSUED TO THE FIRST PETITIONER DATED 30.1.2003

RESPONDENTS' EXHIBITS:NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 4756 OF 2003

Dated this the 14th day of March, 2007

JUDGMENT

O.P. is filed for direction to the respondents to permit the petitioners to settle the dispute on stamp duty liability under the Amnesty Scheme declared vide Ext.P3. According to the petitioners, petitioners did not contest the demand, but were paying it in instalments. The Amnesty scheme was introduced before liability was fully settled. There is no dispute that Amnesty benefit is available to those against whom cases were booked. In other words, benefit under Govt. orders for settlement was not limited to those who contested the liability through appeal or otherwise. It is also made clear in Ext.P3 that the benefit of notification is also available to those against whom additional demands are raised. In the circumstances, O.P. is disposed of directing the Sub Registrar and District Registrar to permit the petitioners to remit the balance amount after adjustment of payments already made and settle the liability under Ext.P3 order within one month from today. However, there is no need to grant refund if any

excess is paid by the petitioners as such payments are voluntary payments made by the petitioners. If there is any outstanding then petitioners will pay along with such amount, interest at applicable rate for belated payment from due date till date of payment, provided the payment is made within one month from now. If payments are already made, details of which will be furnished by the petitioners to the Sub Registrar/District Registrar, then he will acknowledgement settlement withdrawing the balance demands.

(C.N.RAMACHANDRAN NAIR)
Judge